

MINUTES

MONTANA SENATE 65th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Keith Regier, on February 3, 2017 at 9:00 AM, in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Keith Regier, Chair (R)
Sen. Jennifer Fielder, Vice Chair (R)
Sen. Jen Gross (D)
Sen. Steve Hinebaugh (R)
Sen. Jedediah Hinkle (R)
Sen. Margaret (Margie) MacDonald (D)
Sen. Diane Sands (D)
Sen. Nels Swandal (R)
Sen. Chas Vincent (R)

Members Excused: Sen. Scott Sales (R)

Members Absent: None

Staff Present: Julianne Burkhardt, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 165, 1/31/2017; SJ 7, 1/31/2017; SR 22, 1/31/2017
Executive Action: HB 135-Be Concurred In As Amended, HB 111-Be Concurred In,
HB 89-Be Concurred In, HB 87-Be Concurred In,
HB 65-Be Concurred in, HB 59-Be Concurred In As Amended
HB 184-Be Concurred In As Amended, SR 18-Be Adopted,
SR 22-Be Adopted
Committee Bill-Possible State Marriage License Elimination

00:00:39 Chairman Regier

00:01:26 Vice Chair Fielder assumed the role of Chair.

HEARING ON SR 22

Opening Statement by Sponsor:

00:01:41 Sen. Keith Regier (R), SD 3, opened the hearing on SR 22, Confirm Governor's appointee to 5th Judicial District.

Proponents' Testimony:

00:02:09 Luke Berger, self, Judge, 5th Judicial District
[EXHIBIT\(jus25a01\)](#)

00:04:06 Ed Bartlett, State Bar of Montana

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:05:34 Sen. Sands
00:06:10 Judge Berger
00:10:44 Sen. MacDonald
00:12:03 Judge Berger
00:17:17 Sen. Gross
00:17:49 Judge Berger
00:19:29 Chair Fielder
00:19:48 Judge Berger

Closing by Sponsor:

00:22:46 Sen. Regier

00:23:23 Chairman Regier resumed the role as Chair.

HEARING ON HB 165

Opening Statement by Sponsor:

00:23:32 Rep. Greg Hertz (R), HD 12, opened the hearing on HB 165, Revise punitive damage laws.

Proponents' Testimony:

00:25:05 Mark Baker, Montana Chamber of Commerce
00:27:23 Riley Johnson, National Federation of Independent Business
00:28:17 Lee Bruner, Montana Defense Trial Lawyers
00:29:57 Aimee Grmoljez, Billings Clinic

[EXHIBIT\(jus25a02\)](#)

00:31:34 Steve Turkiewicz, Montana Bankers Association

Opponents' Testimony:

00:33:14 Al Smith, Montana Trial Lawyers Association (MTLA)

[EXHIBIT\(jus25a03\)](#)

Informational Testimony:

None

Questions from Committee Members and Responses:

00:50:00 Sen. Hinkle
00:50:28 Rep. Hertz
00:50:44 Chairman Regier
00:50:49 Rep. Hertz
00:51:11 Sen. Gross
00:51:31 Rep. Hertz
00:53:34 Sen. MacDonald
00:53:46 Mr. Smith, MTLA
00:54:39 Sen. Vincent
00:55:44 Rep. Hertz

Closing by Sponsor:

00:58:24 Rep. Hertz

HEARING ON SJ 7

Opening Statement by Sponsor:

00:59:13 Sen. Dee Brown (R), SD 2, opened the hearing on SJ 7, Resolution to encourage an amendment to allow a temp appointment to the US House.

Proponents' Testimony:

None

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

01:01:00	Sen. Sands
01:01:19	Sen. Brown
01:03:25	Sen. Fielder
01:04:01	Sen. Brown
01:05:04	Chairman Regier
01:05:12	Sen. Brown
01:05:32	Sen. Fielder
01:05:54	Sen. Sands
01:06:14	Sen. Brown

Closing by Sponsor:

01:06:49	Sen. Brown
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Committee Business:

01:07:19	Sen. MacDonald
01:08:46	Chairman Regier
01:08:49	Sen. MacDonald
01:09:21	Julianne Burkhardt, Legislative Services Division (LSD)
01:09:47	Sen. Fielder
01:10:10	Chairman Regier
01:10:41	Sen. Sands
01:11:25	Chairman Regier
01:11:44	Sen. Fielder
01:11:49	<u>Motion:</u> Sen. Sands moved to REQUEST A COMMITTEE BILL FOR POSSIBLE ELIMINATION OF THE REQUIREMENT FOR A STATE MARRIAGE LICENSE.

Discussion:

01:12:28	Chairman Regier
01:12:33	Ms. Burkhardt, LSD
01:12:57	Sen. MacDonald
01:13:36	Sen. Fielder

01:14:00 Sen. Gross
 01:14:38 Chairman Regier
 01:14:49 Ms. Burkhardt
 01:15:15 Sen. Fielder
 01:15:33 Ms. Burkhardt
 01:16:21 Chairman Regier
 01:16:49 Sen. Swandal
 01:17:00 Sen. Fielder
 01:17:18 Ms. Burkhardt
 01:17:39 Sen. Sands
 01:17:45 Ms. Burkhardt

01:19:00 **Vote:** Motion carried 9-1 by roll call vote with Sen. MacDonald voting no. Sen. S. Sales voted by proxy.

EXECUTIVE ACTION ON HB 135

01:19:35 **Motion:** Sen. Fielder moved that **HB 135 BE CONCURRED IN.**

01:20:00 **Motion/Vote:** Sen. Sands moved that **HB 135 BE AMENDED.** Motion carried unanimously by voice vote. Sen. S. Sales voted by proxy.

EXHIBIT(jus25a04)

01:20:48 **Motion/Vote:** Sen. Fielder moved that **HB 135 BE CONCURRED IN AS AMENDED.** Motion carried unanimously by voice vote. Sen. S. Sales voted by proxy. Sen. MacDonald will carry the bill.

EXECUTIVE ACTION ON HB 111

01:21:37 **Motion:** Sen. Fielder moved that **HB 111 BE CONCURRED IN.**

Discussion:

01:21:59 Sen. Gross
 01:22:15 Sen. Sands
 01:22:36 Chairman Regier
 01:22:41 Sen. Fielder

01:22:59 **Vote:** Motion carried unanimously by voice vote. Sen. S. Sales voted by proxy. Sen. Gross will carry the bill.

EXECUTIVE ACTION ON HB 89

01:23:34 **Motion:** Sen. Fielder moved that **HB 89 BE CONCURRED IN.**

Discussion:

01:24:20 Sen. MacDonald

01:24:45 **Vote:** Motion carried unanimously by voice vote. Sen. S. Sales voted by proxy. Sen. MacDonald will carry the bill.

EXECUTIVE ACTION ON HB 87

01:25:31 **Motion:** Sen. Fielder moved that **HB 87 BE CONCURRED IN.**

Discussion:

01:25:56 Sen. Sands

01:26:14 **Vote:** Motion carried unanimously by voice vote. Sen. S. Sales voted by proxy. Sen. Sands will carry the bill.

EXECUTIVE ACTION ON HB 65

01:26:51 **Motion/Vote:** Sen. Fielder moved that **HB 65 BE CONCURRED IN.** Motion carried unanimously by voice vote. Sen. S. Sales voted by proxy. Sen. Swandal will carry the bill.

EXECUTIVE ACTION ON HB 59

01:27:59 **Motion:** Sen. Fielder moved that **HB 59 BE CONCURRED IN.**

01:28:31 **Motion/Vote:** Sen. Sands moved that **HB 59 BE AMENDED.** Motion carried unanimously by voice vote. Sen. S. Sales voted by proxy.

[**EXHIBIT\(jus25a05\)**](#)

01:29:15 **Motion/Vote:** Sen. Fielder moved that **HB 59 BE CONCURRED IN AS AMENDED.** Motion carried unanimously by voice vote. Sen. S. Sales voted by proxy. Sen. Swandal will carry the bill.

EXECUTIVE ACTION ON HB 45

Discussion:

01:30:12 Julianne Burkhardt, Legislative Services Division

EXECUTIVE ACTION ON HB 184

01:30:57 **Motion:** Sen. Fielder moved that **HB 184 BE CONCURRED IN.**

01:31:26 **Motion/Vote:** Sen. Swandal moved that **HB 184 BE AMENDED.** Motion carried unanimously by voice vote. Sen. S. Sales voted by proxy.

[**EXHIBIT\(jus25a06\)**](#)

01:32:07 **Motion/Vote:** Sen. Fielder moved that **HB 184 BE CONCURRED IN AS AMENDED.** Motion carried unanimously by voice vote. Sen. S. Sales voted by proxy. Sen. Fielder will carry the bill.

01:32:47 Sen. Sands

EXECUTIVE ACTION ON SR 18

01:33:35 **Motion/Vote:** Sen. Fielder moved that **SR 18 BE ADOPTED**. Motion carried unanimously by voice vote. Sen. S. Sales voted by proxy.

EXECUTIVE ACTION ON SR 22

01:34:29 **Motion:** Sen. Fielder moved that **SR 22 BE ADOPTED**.

Discussion:

01:34:48 Sen. Sands

01:35:17 Sen. Hinkle

01:35:40 Sen. Sands

01:36:07 Chairman Regier

01:36:12 Sen. MacDonald

01:36:22 **Vote:** Motion carried unanimously by voice vote. Sen. S. Sales voted by proxy.

01:36:36 Sen. MacDonald

ADJOURNMENT

Adjournment: 10:37 A.M.

Pam Schindler, Secretary

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Additional Documents

Additional Documents:

EXHIBIT([jus25aad.pdf](#))